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15 **UNITED STATES DISTRICT COURT**
16 **NORTHERN DISTRICT OF CALIFORNIA**
17 **OAKLAND DIVISION**

18
19 IN RE COLLEGE ATHLETE NIL
LITIGATION

Case No. 4:20-cv-03919 CW

**DECLARATION OF STEVE W. BERMAN IN
SUPPORT OF PLAINTIFFS' OPPOSITION
TO MENKE-WEIDENBACH OBJECTORS'
MOTION TO EXTEND TIME FOR FILING
OF MOTION FOR ATTORNEYS' FEES**

Hon. Claudia Wilken

1 I, STEVE W. BERMAN, declare as follows:

2 1. I am an attorney duly licensed to practice law before this Court. I am a member of the
3 Washington Bar, and I have been admitted to this Court *pro hac vice*. I am the managing partner of
4 Hagens Berman Sobol Shapiro LLP. Hagens Berman Sobol Shapiro LLP, alongside Winston & Strawn
5 LLP, are counsel of record for the Plaintiffs in this matter, having been appointed as Class Counsel for
6 the Settlement Classes by this Court. ECF No. 979 at 4. Hagens Berman and Winston & Strawn were
7 also appointed as Co-Lead Class Counsel for the certified litigation damages and injunctive relief
8 Classes by this Court. ECF No. 387 at 52; ECF No. 323 at 10. My business address is 1301 Second
9 Avenue, Suite 2000, Seattle, Washington 98101. I am over the age of eighteen, am competent to testify,
10 and do so based on my personal knowledge.

11 2. I make this declaration in support of Plaintiffs' Opposition to Menke-Weidenbach
12 Objectors' Motion to Extend Time for Filing of Motion for Attorneys' Fees, filed in the above-
13 referenced action on June 25, 2025 (ECF No. 987) ("Plaintiffs' Opposition").

14 3. I have attached as **Exhibit A** to this declaration a true and correct copy of a June 23-
15 24, 2025 email exchange between me and counsel for the Menke-Weidenbach Objectors (the email
16 correspondence also includes co-counsel for the Settlement Class and counsel for the NCAA).

17 4. In response to Objector Counsel's request for Plaintiffs to agree that they could submit
18 a late-filed fee motion, including potentially "up to 30 days after the issuance of any mandate or
19 mandates on the pending appeals," I wrote: "We don't agree to an extension. Answer might be different
20 if you weren't appealing but so long as that's possible the answer is no. [S]ame comment on no
21 waiver[.]" Ex. A at 1. Contrary to the claims of the Menke-Weidenbach Objectors (Mot. at 5), there
22 was nothing "shocking" about asking them if they intended to appeal. As explained fully in Plaintiffs'
23 Opposition, my position was based on promoting class members' interests in the timeliest possible
24 resolution of challenges to the settlement—which the Menke-Weidenbach Objectors' requested relief
25 would prejudicially obstruct—so that class members may receive the recovery they so greatly deserve
26 as soon as possible. I also wanted to determine if the Menke-Weidenbach Objectors intended to attack
27 the settlement before the Ninth Circuit during an appeal, only to later laud it before this Court in an
28

1 effort to obtain fees. The procedures laid out by the federal rules do not allow objectors to engage in
2 this type of gamesmanship.

3
4 I declare under penalty of perjury under the laws of the United States that the foregoing is
5 true and correct. Executed this 30th day of June 2025 at Seattle, Washington.

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7 /s/ Steve W. Berman
8 STEVE W. BERMAN
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